1:Franken et al M, G-5 (ca. 1913-1948)1960
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178 to disappear, until there are *desas* with one *klihan* and one *pĕnyarik-*
624 *an*, or finally with a *klihan* who is at the same time *pĕnyarikan*. In all this development a force can be detected towards substitution of a monolithic system of village authority for the old bipartite *desa* administration and replacement of the old indigenous set-up by Hindu forms of royal power and religious penetration (in temple administration).

624 This evolution is to be seen in every field. Though in earlier times the *kĕbayans* were the chief officiants in the temples, eventually they had to give way to the *pĕmangkus*, with the villages where *kĕbayans* and *pĕmangkus* are both represented in the village administration forming an intermediate stage. Whereas in earlier times the supreme authority in the village also was in the hands of the *kĕbayans*, in northern Bali (and very frequently in older villages in Karangasĕm) they were replaced by the *pasĕk*,[40] a sole hered-
[622] itary village head (as opposed to the pair of *kĕbayans*, who had attained their position owing to seniority). An even newer type is the *bĕndesa*, first under the *pasĕk*, then on an equal footing, and finally superior to him. But this village head in turn has had to give way to the most recent functionary, the *klihan*.

175 This evolution can perhaps best be summarized as follows.
[615] Originally the *desa* was divided into two phratries, with one set
624 of functionaries for each phratry and with the highest social authority in the village coinciding completely with the highest priestly function. Then came a tendency towards monism, imported by Hinduism, and as a result a concentration of the village administration in the hands of a single person, as was desired by the Hindu ruler, and in the religious sphere a division of functions between this single secular village authority and the religious officiants in the temples (no longer village authorities).

621 Though even now a large number of villages of the traditional type which have been able to maintain themselves despite every pressure testify to the older Balinese situation, the vast majority of the Balinese *desas* demonstrate that on the village level, as elsewhere, the system of thought is no longer essentially indigenous Austronesian in character, but Hindu-Balinese.

l:Franken et al M, G-5 (ca. 1913-1958) 1960
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Though the *pasĕk* is also to be found in other regions, for example in Karangasĕm, the frequency of his occurrence as village head in Buleleng *desas* can be taken as proof that they are new villages founded by southern Balinese. Partly because of the hereditary nature of the function, the *pasĕk* as unitary village head points towards a village founder still remembered and recognized as a forefather of the present *pasĕk*. This colonization from southern Bali probably also explains why there are so few *puras pusĕh* in Buleleng, for a *pura pusĕh* points ideally towards a deified ancestor and village founder who has long since been forgotten as a human being.

The *desa* of Galungan presents a remarkable case: the administration consists of an hereditary *pasĕk* and a *kĕbayan* chosen according to seniority. The *pasĕk* is here the chief priest in the four village temples (including a *pura pusĕh*), and there are no *pĕmangkus*. This, then, is again a mixed type. Some villages in Karangasĕm, too, have a *pasĕk* beside a *kĕbayan* or a *bĕndesa*. In such cases the *pasĕk* is in charge of the *pura pusĕh*. Hence these villages are an intermediate link between the older, *pasĕk*-less villages with a *pura pusĕh* and the newer *pasĕk* villages without such a temple.

There is, then, a clear evolution from communal to individual authority in the village administration, just as there is in land rights. For closer acquaintance with the religious character of the village administration, not only Korn's monograph on the village of Tĕnganan is most readable, but also what he has to say regarding the villages of Timbrah, Sĕlat, and Siděmĕn in Karangasĕm and what Liefrinck writes about such villages as Kubutambahan,[41] Bulian,[42] Dĕpaa,[43] Bila,[44] Mĕnyali,[45] and Sidatapa.[46]

These comments on the evolution of the village administration may be followed by a few notes on village meetings. As the mountain villages around Lake Batur demonstrate, the earlier pattern was that people met in the *pura bale agung* at full moon and in the *pura dalĕm* at new moon.[47] Often – and this, too, is the older situation – only the core villagers gather in the *pura bale agung*, while for the meetings in the *pura dalĕm* either all the inhabitants or only the non-core villagers assemble.

1:Franken et al M, G-5 (ca. 1913-1958) 1960
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The members of the royal house of Badung, which took over the rights of the dynasty formerly ruling in Mĕngwi after the fall of that realm, also maintain an interest in the upkeep of the temple and do not fail either to be present or to send representatives to the religious ceremonies. The reason for this is clearly their desire to obtain divine sanction in order to legitimate themselves as the lawful successors to the many time-honoured dynastic rights of Mĕngwi.

While the core villagers of the four *pĕrbĕkĕlans* are the persons strictly responsible for the care of the temples, the remaining inhabitants lend their assistance on the occasion of extraordinary temple repairs and other quite expensive provisions, just as they do in the case of their own village temples. It is also possible for voluntary contributions to be made.

There are state temples in other parts of Bali as well. To mention a few examples, in the region of Tabanan, bordering on Badung to the west, there are four sanctuaries which play the same rôle there that Pura Puchak Bon and Pura Puchak Tiingan played for Mĕngwi in earlier times and for Badung today. They are the *puras* of Batu Kau, Pĕtali, Bĕsikalung, and Tambawaras, all of which lie at the southern foot of Gunung Batu Kau in the region of Tabanan. For the region of Bangli there are among others Pura Kĕhĕn, to the north of the town of Bangli, and the temples of Tĕgĕh Koripan and Dalĕm Bĕlingkang in the district of Kintamani.

This is far from a complete list of the sanctuaries that can be considered as state temples; nor has anything yet been said regarding the differences in system which they display. It may suffice to note that not all state temples are mountain sanctuaries in the sense that they are located at either the foot or the top of a mountain or hill; that some of them are closely linked with the veneration of the mountain lakes, which are presumed to have a regularizing influence on the irrigation water, for which reason the irrigation associations or *subaks* are the primary groups caring for the temples; and finally that in some cases there is a clear correlation in the system of state temples between the worship of

2: Covarrubias R-5 (1930-1933) 1938
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tor, so the *balé agung* is the home of the spirits when they visit their descendants, the symbolical throne of their authority. Like everything in Bali, the *balé agung* is divided into "right" and "left," with the chiefs and council members classified in the same manner. They sit on the long shed either at the right or at the left, on a spot set by their rank. New members act as attendants without a seat, but at the meetings squat on the ground outside the shed, until a seat at the end of the club-house is left to them by the death of a member. They advance progressively with age, the entire line moving up each time there is a vacant seat, until they reach the higher places towards the head of the *balé agung*. The headmen keep a record of each member's position in the building, in which the names of the members are written on the palm-leaf.

Every normal married man who owns a house or a plot of land in the village territory is compelled to join the village association, and his refusal would be punished by the denial of every assistance, confiscation of his property, and possibly even exile from the village. Theoretically all the land in Bali belongs ultimately to the gods, who lease it to the Balinese to work it and live from it; consequently landownership in an absolute sense cannot exist in the Balinese mind. Thus the *desa* authority, as representative of these gods, controls the land of the village, the homes, private and communally cultivated ricefields, grazing-lands, and the grounds left wild (*petjatu*) that provide bamboo, rotan, pandanus, wood, and so forth. From the lands adjoining the *desa* a worthy member may obtain an agricultural plot or the ground for his home. If someone has to move to another village and is justified in leaving, he asks to be released from the association and has the right to take with him the value of his share of the village property, but his land and his house return to the *desa*. His property is confiscated without compensation, Korn says, if he leaves the society without explanation.

The headmen of the association, the *kliang desa*, rules the village in the name of the council. He is usually elected by common

2: Covarrubias R-5 (1930-1933) 1938
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622 approval, but his office may be hereditary if the son of a popular chief is believed to possess his father's virtues. Should he be found to be undesirable, he is politely asked to resign and a new *kliang* is elected. A good village chief is a popular and influential man although he may be poor and simple. Once elected and after the choice has been sanctioned by the gods, he cannot decline to hold office, except under severe penalty. Even then his services are not rewarded, and the advantages he enjoys by his position are insignificant; he receives a slightly larger share of land, perhaps a double share of the food distributed from offerings, and he is free of certain duties. He does not receive any salary despite the burden of his obligations and responsibilities; he has to administer the society, preside over the meetings, manage and organize all of the *desa* festivals. He shares the executive
[624] duties of the *desa* with the *penyarikan*, a lesser official (who is not, however, under his authority), a scribe and a number of messengers, none of whom are rewarded.

178 Under the rule of the princes the system was greatly under-
623 mined, especially where the villages grew too large to be effectively managed by such a simple patriarchal organization. In the conquered territories the lands were gradually taken away from the *desa* and its authority was weakened until the function of the *desa* is now reduced to the upkeep of the village institutions, the celebration of village festivals, and religious ceremonies. The *desa* remains, however, the bulwark of the *adat* law, the net of traditional regulations owned by each village, in which all possible cases are carefully worked out in the most remarkable simple logic.

THE BANDJAR

621 As the *desa* Government lost control over the social and eco-
474 nomic organization and as the village grew, simultaneously with
575 the power of the local prince, it became divided into smaller communities within the *desa*, quarters or wards, the *bandjars*: cooperative societies of people bound to assist each other in

4:Belo E-5 (1931-1939) 1949 OF7 Bali OF7

music clubs formed by the villagers. Roughly speaking, the larger the village or town, the greater the strength of the *bandjar* unit as a collective unit; and the smaller the village or town, the stronger the village or community unit (*desa* or *kota*) of which the relatively small number of *bandjars* make up the constituent parts. To give a more concrete instance, in a village of 1000, of which 500 belong to one *bandjar* and 500 to another, it is the village unit which is of primary importance and the *bandjar* unit of secondary importance. In a city of 10,000, which may be subdivided into twenty odd *bandjars*, it is the *bandjar* unit which functions cooperatively, whose members act together.

In such groups, artistic skill and ability override caste divisions. Leadership is shunned in favor of a more equalitarian regime. Satrya prince and Brahmana priest take part as equals with the rest of the village group in staging performances, rehearsing new plays or new musical compositions. Their official functions are, in these situations, laid aside.

Village groups can and do act as a unit, sharing responsibility. In one instance which I witnessed a village group had apprehended a stranger, an escaped criminal for whom an alarm had been sent out. When the man resisted, the villagers, whether wittingly or unwittingly, killed him, and every man of the village struck this stranger a blow so that when the authorities came to investigate all would be guilty together, or none.

The "head" of a village group is often merely an intermediary who represents the village to the higher authority, which may be regarded by the people as either the feudal authority of the caste system or that of some alternative system. For administrative purposes the regional divisions have not changed; the ancient kingdoms were perpetuated under Dutch rule as districts, and, after the period of the Japanese occupation, they remain the same.

In the village unit, as in the larger administrative units, there is a tendency to regard the "headship" as hereditary, and a man who has been *kapala kampoeng* (Malay, head of compound) or *prebekel* (village official) is often succeeded by his son or a younger brother, not because the office is something to be desired but because the family concerned are assumed to have the "know how" in dealing with the "higher ups." Even in some of the old style villages like Tenganan which preserve many features of Old Indonesian organization, the family of the *prebekel*, without Hinduistic caste, maintains an hereditary authoritarian position in dealing with the outside world, and this, no doubt, has been a strong factor in the preservation of the old ways into modern times.

The most usual pattern of land ownership is, as a result of the strong

5: Belo E-5 (1931-1934)1935 OF7 Bali OF7

It was nearing sunset. A procession started for the Meeting of Rivers, the *champuh*, a holy place some half hour's walk distant from the village. About fifty relatives and friends of the twin family accompanied I Lèwèr and Ni Jungir. Women carried on their heads baskets containing the old clothes of the unclean ones, and all the utensils and receptacles for food which had been in their possession before the disaster and had not been consumed in the *kubu* fire. Arrived at the *champuh* all these things were cast away into the water (*anyudang*) which leads down to the sea. There were prayers and a few offerings, and then these people rushed into the icy water to cleanse themselves thoroughly of the *sèbël* state. The *pusuh*, the pseudo-twin, was cast away also into the stream. On their return Ni Jungir, carrying her child, walked still armed with the knife and the onion, but I Lèwèr, having cast away his twin, had no longer any need for his weapon.

I Lèwèr and Ni Jungir and the remaining twin were at last purified. They were taken into the house of his brother, where they warmed themselves at the evening fire, and were glad that they might once again sleep in security within the walls of their village. There, with two families crowded into one tiny house, they would have to remain for some months. I Lèwèr meant to rebuild his house on the former site, which stands waiting and bare. But for the time he has no resources to buy the necessary materials — all that he had in cash and in wordly goods has gone in turning off the curse of the birth of the twins. From the labor of his hands and from the fruit of his land he will in time reestablish his homestead.

That night there was no more village activity. Each family retired to its house, where the fires were burning, the women crouching beside them frying meat left over from the offerings. The men sat upon the raised *balé's* on either side of the hearth, and the children squatted on the floor, or sat quietly in the laps of their grandfathers, listening to the talk of their elders. We were guests in the house of the *Prëbëkël*, the headman of the village by order

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of the official Dutch government. This man has himself no place in the village council. But his father, who is now an old man to whom no one pays much attention, was once *kĕbayan*, holding the highest position in his half of the village [1]). According to the village-laws a *kĕbayan* is superannuated when his youngest child is married. He becomes *sayă*, a place of honor without power, and the position of *kĕbayan* is filled by the next highest member of his half of the village council. To the house of the Prĕbĕkĕl came that evening several of the elders from the council — there were things to discuss in the order of the ceremonies to come. In three days' time would begin the *odalan* in the temple, replacing the big *usabă* ceremony which was due on that day, at full moon. The *odalan* [2]) would last two days, and afterwards the gods must go away. They must be carried in procession to the sea or to a holy bathing place, where they would receive their "bath of purification" (*ngĕlungayang* or *mĕlis*). For in the case of the birth of boy and girl twins even the gods are dirtied. So far it had not been decided to which place the procession would go, nor on what day. The Prĕbĕkĕl would have to inform the Punggawă, head of the district, who would report to the Dutch Controleur what was being done in Sukawană. But that night nothing was decided. When the fire began to burn low the visiting elders went away, and the people of the house rolled themselves in their blankets to sleep.

On the morning following the big *mĕrĕyaschitä*, we were surprised to find offerings for *mĕcharu* again laid out in

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[1]) The villagers are divided into two groups, *tĕngĕn* (right) and *kiwă* (left), into which they are born and remain throughout their life. Each group has its *kĕbayan*.

[2]) The *odalan* is not described because it was a ceremony belonging to the ordinary calendar of festivals in the Purä Balé Agung, and had nothing to do with the ceremonies occasioned by the birth of the twins. It is curious, however, to note that the *odalan* took place between the twin ceremonies, that is after the *mĕrĕyaschita* and before the *mĕlis*. In other villages where *mĕlis* was required for the birth of twins, it was arranged to take place before the *odalan*, and the people believed that only after *mĕlis* could an *odalan* be celebrated.

[99 cont.]

624 In more recent times a new functionary has been created in the old-fashioned villages, the penjarikan-dèsa, or village clerk, who is responsible to the pasèk and the council of elders.

623 554 The village councilor receives little material reward as the fruit of his office; actually each has a right to a double portion in the distribution of the temple offerings. They are, however, always accorded other distinctions: sometimes a portion of the great bench in the meeting room is reserved for them and separated by a groove from that of the other members.

621 565 In these old-fashioned dèsa, the exclusive society represented by the descendants of the first founders of the village is clearly seen. They do not permit later arrivals to have claims on the land or to have a voice in the administration of the village. Today, however, especially in the mountain areas, the old-fashioned villages are somewhat more kindly disposed toward outsiders; after some years they are admitted as special members of the dèsa association.

The new villages have a quite different character, and this exclusive spirit does not prevail. The aim of the dèsa [100] [623] association here was to look after community interests, provide for safety, and to fulfill the duties to the gods and the sovereign. From this sprang the general rule that every male inhabitant becomes a member of the dèsa as soon as he marries; special advantages concerning the possession of land are not attached to this membership.

The administration of the new type of dèsa is completely different from that of the old-fashioned ones. The council of elders no longer exists; the leadership of the meeting and the [622 793] office of executive is delegated to one man, the klian, who is one of the members of the association chosen according to the instructions of the godhead through the mouth of the person he inspires in the temple. It sometimes happens that the villagers are not immediately satisfied with the choice and press for a consultation of the godhead.

793 A pasèk is no longer appointed in this kind of village. In his place is the pamangkoe, the keeper of the temple, who

[382 cont.]

643 from the Satriya [Kshatriya] caste. All the sovereigns on Bali,
564 however, are from the Wesja [Vaisya] class, with the exception of the ruler of Kloengkoeng. The sovereign of that state is supposed to be a pure Satriya. He bears the title of Dewa agung. The rulers of the other states bear the title of Anak agung. The sovereign of Kloengkoeng exercises a kind of supremacy over the others, not only because of his high birth, but also on the strength of his ancestors' conquests over the other states. This
[641] supremacy is very slight, however. Although the princes swear an oath of loyalty and allegiance to him, consult him on important occasions, and call him in as arbiter of their differences, they obey him only insofar as it suits their interests.

Otherwise, the authority of the sovereigns on Bali is fairly
643 autocratic. Indeed, although the sovereign has a council of
645 priests and notables, members of the royal family, who, depend-
642 ing on their [383] caste, bear the title of dewa or gusti, they are entirely dependent on his will. Next to the sovereign stands the mantja magara, or state administrator, in whom the actual government is vested. The sovereign has still other officials who fulfill various functions.

634 A state is divided into a number of districts. At the head of the districts stand governors, the punggawa or pambekel gedé. They are chosen by the people, but under the approval of
622 the sovereign, who often influences the choice. The villages
621 are governed by village chiefs, who bear the name of klijan dèsa.
624 They are chosen by the people, and this choice is approved by the punggawa and the sovereign. There are often lesser chiefs in a village, section chiefs, klijan bandjar.

642 As I have just noted, the sovereign has an autocratic authority. The subjects are outrageously oppressed and regarded as slaves by their sovereigns, who are faithfully imitated in this
651 by the lesser chiefs. The sovereigns have many sources of dif-
[681] ferent kinds of income. They formerly consisted of the fines that were imposed as punishment; the sale of wrongdoers
[428] sentenced to slavery; the estates of those who died without

12: Haar S-4 (1939) 1948 OB1 Indonesia
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"old style" and "new style" desa. In the old-style desa a special group of married citizens is obliged and privileged to carry out the functions of worship. The membership of such groups numbers twenty or multiples of twenty. The members are holders of certain particular agricultural lands. At least, they must be landed proprietors and married. Succession to the group is based on a variety of principles. The oldest villagers have special administrative functions and a place to fulfil in the worship of the gods. Even the peacemakers in village disputes are in essence religious administrators, for they protect the village territory from defilement brought on by quarrels.

The social strata make up the Balinese village. The nuclear group of first-settlers holds the first rank. A larger group of subordinate middle-class people shares, to some extent, in the land and has limited responsibilities. Lodgers and immigrants form the third class, known as "sampingan."

In the villages situated outside of the former principalities, there are various societies, which are subordinate to the village authority. Such are the "banjar," the district society, the young men's and young women's societies, the music and drama society, and so forth. In the appanage territory these freely-formed societies exist as autonomous communities outside of village authority.

Citizenship in the new-style villages is less complex. Every adult, married male, who has a residential compound and has lived in the village for a year, is admitted to the village society. He is, in fact, obliged to join up. Administration by a village headman (kilan), sometimes assisted by some henchmen, replaces the gerontocracy of the old-style system.

Alongside of the two basic types of Balinese communities are the important irrigation associations (subak), a union of sawah[24] owners under a headman, but organized in various ways, and variously aligned with the villages.

In Lombok, the desa is a territorially-based community made up of unrelated families. It possesses an area of disposal and is governed by a "kepala desa."

11. *The Javanese desa.*—The Javanese desa is another type of community, whose base is purely territorial. Its constituency is formed of unrelated individuals and families. And in addition to the nuclear desa citizenry, there are alien, non-native residents, mainly

[24] [Cultivated fields held under a community right of disposal. See the next chapter.]

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access to communal lands by outsiders. Out-groupers may exploit such lands only after they have paid in advance a fee for the use of the lands, and continued to pay rent afterwards. In principle, they obtain usufruct for just one season. They may never buy, sell or inherit such fields. Nor may they receive such fields as security. And finally, under native law they may be forbidden even to enter upon the communal lands, or perhaps be subject to other disabilities, although this last power is today of doubtful constitutionality.

Outsiders must apply to the village chiefs for permission to use village land. To pave the way for a favorable response to such a request, a little gift to the chiefs is good Indonesian custom. In certain law-areas it is customary to give a tangible token to the community at the beginning of the enterprise, so as to display the outsider's consciousness of the advantage he is about to realize on someone else's land. In Angkola, for example, when a group of people, who do not belong to the ruling village wish to get permission to set up a new hamlet in the area of disposal belonging to a regional community, their headman must bring in six water buffaloes. These are then turned to the profit of the whole regional community. And on Bali the population of the immigrant village of Kastala is nothing other than share-croppers on the fields of the people of Tnganan, the owners of the land. Generally, however, the practice is merely to give occasional token payments in addition to the initial compensation. This, too, is largely to symbolize the admission of advantage derived from someone else's property, because the payment may be very small, indeed. In Minangkabau the legal maxim "lembaga dituang, adat diisi" is sometimes explained as meaning that strangers owe acknowledgment and retribution to the community. Whatever earnings are brought in from this source go to both the chiefs and the people.

As against the rights of outsiders the community believes that its ultimate title is never impaired. Aliens cannot permanently settle on the land. Their relation to it must remain loose: the "orang menumpang" as contrasted to the "orang asal" among the Rejang. Only when outsiders have lived in the community for generations do they acquire a more clearly fixed title to their fields. And even then their rights readily give way to the rights of the community in any crisis. In addition, the descendants of the original village in a regional community, or the descendants of the founding lineages in a village, sometimes constitute a central group,

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1. *Giving of security by private agreement.*—In Java, at any rate, this transaction is frequently accomplished without knowledge of the village chief, or any other chief. In this event, it cannot in any wise be effective against third parties. The most important consequence of this is that any *jual* transactions executed with secretly pledged land are legally valid, even though the debt has not been paid off. The second result is that a pledged arable field may be put up for other debts, too, and the first creditor has no priority over others.

This does not rob the security transaction of all value, as is sometimes claimed. Fortunately, the fulfilment of the obligations entailed in security transactions depends on other motives than the urge to get out of a legal action without loss. The losses to be encountered in social conflict would be as great as the gain in defaulting. Reliance must rest on this, because there can be no formulation of *a rule of law* for protection against third parties on behalf of a secret lender on security.

2. *Officially witnessed security transactions.*—If the agreement is closed with the knowledge of the village chief,[7] then the native possessor cannot alienate the land, or make a secondary pledge with it, unless he turns the produce of the land over to the first creditor. If the debtor neglects to inform the creditor of any further transactions with the pledged field, it is up to the chief to do so. If he fails to do so, the matter is bungled, and the creditor has a claim for protection at law. In such cases the social factors are naturally even stronger than in the non-publicly attested transactions. In the "tahan" contract of the Bataks and the Balinese "makantah," if any profit accrues from the land, the priority of the creditor covered by the land designated as security is recognized.

In Java, unlike Bali, the village chief is not always pulled into the drawing up and witnessing of a security contract. But how does it work in those cases where he is? There are decisions and authors whose opinions are that there is no priority vested in the creditor in such cases, for the reason that registration of the agreement with the village chief has not become an established institution of legal force in Java. However, there are contrary decisions and authors who hold that notification of the village chief and registration of the agreement by him entails a preference for the creditor, which can be sustained at law, if the registration was voluntarily undertaken by both parties. A legislative proposal to this effect

[7] This is always the case among the Bataks and in Bali.

has been recently in preparation, but nothing has come of it as yet.